

400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
e-mail: intprop@ssmp.com

RECEIVED
CENTRAL FAX CENTER

**SCULLY, SCOTT, MURPHY
& PRESSER, P.C.**

JUL 21 2006

Fax

To:	Examiner Matther T. Urick GROUP ART UNIT: 2113	From:	Steven Fischman, Esq.
Fax:	(571) 273-8300	Pages:	9 (including fax cover sheet)
Phone:		Date:	July 21, 2006
Re:	Sam Clark Werner, et al U.S. Serial No. 09/894,035 Docket: TUC920020121US1 (16093)	CC:	

**AMENDMENT AND RESPONSE UNDER 37 C.F.R.
§1.111**

COMMENTS:

Transmitted herewith are the following:


1. Amendment Transmittal letter (in duplicate)
2. Response Under 37 C.F.R. §1.111 (8 pages)
3. Certificate of Transmission by Facsimile, dated July 21, 2006 (in duplicate)
4. Authorization to charge IBM deposit account.

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Michella Eburne

PAGE 2/9 * RCVD AT 7/21/2006 2:17:41 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/5 * DNIS:2738300 * CSID:5167424366 * DURATION (mm-ss):03-10

JUL 21 2006


AMENDMENT TRANSMITTAL, LETTER (Large Entity)				Docket No. TUC920020121US1 (16093)	
Applicant(s): Sam Clark Werner					
Application No. 10/731,920	Filing Date December 10, 2003	Examiner Matthew T. Urick	Customer No. 23389	Group Art Unit 2113	Confirmation No. 5786
Invention: IMPROVEMENT FOR PPRC BACKUP SYSTEMS					
COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	15 -	20 =	0	x \$50.00	\$0.00
INDEP. CLAIMS	4 -	4 =	0	x \$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input type="checkbox"/> No additional fee is required for amendment. <input checked="" type="checkbox"/> Please charge Deposit Account No. 09-0449/IBM in the amount of \$0.00 <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 Signature			Dated: July 21, 2006		
Steven Fischman, Esq. Registration No.: 34, 594 SCULLY, SCOTT, MURPHY & PRESSER, P.C. 400 Garden City Plaza- Suite 300 Garden City, New York 11530 (516) 742- 4343			<div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> _____ Signature of Person Mailing Correspondence </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> _____ Typed or Printed Name of Person Mailing Correspondence </div>		
SF/EP/me CC:					

P11LARGE/REV09


CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Sam C. Werner		Docket No. TUC920020121US1 (16093)	
Application No. 10/731,920	Filing Date December 10, 2003	Examiner Matthew T. Urick	Group Art Unit 2113
Invention: IMPROVEMENT FOR PPRC BACKUP SYSTEMS			

I hereby certify that this AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111
(Identify type of correspondence)
 is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (571) 273- 8300)
 on July 21, 2006
(Date)

Steven Fischman, Esq.
(Typed or Printed Name of Person Signing Certificate)


(Signature)

Note: Each paper must have its own certificate of mailing.

AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No. TUC920020121US1 (16093)	
Applicant(s): Sam Clark Werner					
Application No. 10/731,920	Filing Date December 10, 2003	Examiner Matthew T. Urlick	Customer No. 23389	Group Art Unit 2113	Confirmation No. 5786
Invention: IMPROVEMENT FOR PPRC BACKUP SYSTEMS					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	15 -	20 =	0	x \$50.00	\$0.00
INDEP. CLAIMS	4 -	4 =	0	x \$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input type="checkbox"/> No additional fee is required for amendment. <input checked="" type="checkbox"/> Please charge Deposit Account No. 09-0449/IBM in the amount of \$0.00 <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 _____ Signature			Dated: July 21, 2006		
Steven Fischman, Esq. Registration No.: 34, 594 SCULLY, SCOTT, MURPHY & PRESSER, P.C. 400 Garden City Plaza- Suite 300 Garden City, New York 11530 (516) 742- 4343			<div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence </div>		
SF/EP/me CC:					

P11LARGE/REV09

RECEIVED
CENTRAL FAX CENTER

JUL 21 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sam C. Werner	Examiner:	Matthew T. Urick
Serial No.:	10/731,920	Art Unit:	2113
Filed:	December 10, 2003	Docket:	TUC920020121US1 (16093)
Title:	IMPROVEMENT FOR PPRC BACKUP SYSTEMS	Dated:	July 21, 2006

Confirmation No.: 5786

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111

Sir:

This reply is filed to respond to the Office Action mailed May 19, 2006. Please reconsider the claims in the application in view of the remarks set forth below.

Remarks begin on page 2 of this paper.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: July 21, 2006


Steven Fischman, Esq.

G:\IBM\1545\16093\AMEND\16093.am1.doc